

ORDINANCE NO. 07- 1481

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-152 "B-1 BUSINESS DISTRICT" TO ALLOW HEALTH STUDIOS, HEALTH CLUBS, OR REDUCING SALONS TO BE OPERATED AS PERMITTED USES ON THE FIRST FLOOR LEVEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to amend Chapter 90 "Zoning", Article IV "District Regulations," Section 90-152 "B-1 Business District" to allow health studios, health clubs, or reducing salons to be operated as permitted uses on the first floor level, subject to the terms outlined below; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interest of the Town; and.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. **B-1 Business District Amended to Allow Health Studios, Health Clubs or Reducing Salons to be operated as Permitted Uses on the First Floor Level.** Section 90-

152 "B-1 Business District" of Article IV "District Regulations" of Chapter 90 "Zoning" of the Town Code are hereby amended to read as follows:¹

Sec. 90-152. B-1 business district.

(a) Purpose of the district. The purpose of the B-1 business district is to provide for retail shopping and personal service needs of the town's residents and tourists. It is intended to prevent uses and activities which might be noisy, offensive, obnoxious or incongruous in behavior, tone or appearance and which might be difficult to police.

(b) Permitted uses. No building or land within this district shall be used in whole or in part except for one or more of the following permitted uses:

(1) Art agencies:

- a. Antique shops.
- b. Gift shops.
- c. Art dealers.
- d. Art supplies.
- e. Photographers and camera stores.
- f. Art and photograph galleries.

(2) Bakeries, subject however, to the following restrictions and conditions:

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~striketrough~~.

- a. That no baking shall be done on the premises for other retail or wholesale outlets.
 - b. That ovens or oven capacity is limited in total usable baking space, not to exceed in volume 18 standard pans of 18 by 26 inches in width and length.
 - c. That adjoining properties shall be safeguarded and protected from exhaust fan or other obnoxious noises and odors at all times.
 - d. That all baking will be done by the use of electric or natural gas (not bottled gas) ovens only.
 - e. All machinery and equipment shall be entirely confined within the main building.
 - f. That the hours of baking operation shall be limited to those hours between 6:00 a.m. and 9:00 p.m.
 - g. That the entire store area shall be fully air-conditioned as required for comfort.
 - h. That baking shall not be permitted within 20 feet of the store front, and shall be separated from the sales area by a partition or counter.
- (3) Barbershops.
- (4) Beauty parlors: Exterior windows on the ground floor shall be screened, curtained or otherwise made opaque four feet six inches from the grade of the adjacent sidewalk so as to block the view of the interior premises from the public right-of-way. However, such screening shall not be required where only hair styling and manicures are performed within 20 feet of the public right-of-way.
- (5) Business and professional offices, except veterinary offices.
- (6) Clothing stores and services:
- a. Men's, women's, children's clothing.

- b. Millinery.
 - c. Tailor.
 - d. Shoes.
 - e. Dry cleaning and laundry agency, provided all machinery which provides cleaning or laundry services shall be separated from customer areas by a partition or counter and no customers shall be permitted to use such machinery. In addition, all drycleaning machinery shall be nonventilated, sealed system type machinery in which "Fluorocarbon R-113" type solvents are used.
 - f. Furrier.
 - g. Shoe repair, provided no machinery for providing repairs shall be visible from the sidewalk or street and no shoe repair shop shall be permitted on Harding Avenue.
 - h. Dry goods.
- (7) Department stores.
- (8) Entertainment:
- a. Video tape sales and rentals, provided all tapes sold are prerecorded, and all tapes are rated either G, PG, PG-13, or R.
 - b. Caterers.
 - c. General ticket agencies.
 - d. Theatre and cinema.
- (9) Existing filling station on the unnumbered lot at the southwest corner of Block 4, Altos Del Mar No. 6.
- (10) Food products, provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk:

- a. Delicatessens.
 - b. Restaurants.
 - c. Candy and nut shops.
 - d. Grocery and meat stores or supermarkets, provided no live meat or poultry shall be kept on the premises.
 - e. Confectionery and ice cream stores.
 - f. Fruit shops.
 - g. Liquor stores.
- (11) General or special merchandise:
- a. Toys.
 - b. Hardware, paint and wallpaper.
 - c. Luggage.
 - d. Office machines and supplies.
 - e. Pet supplies.
 - f. Stationery and greeting cards.
 - g. Furniture, provided no repairing or servicing of furniture is permitted on the premises.
 - h. Jewelry.
 - i. Flowers and plants.
 - j. Sporting goods.
 - k. Drug stores and sundries.

- l. Cigars and tobacco.
 - m. Books and newspapers.
 - n. Appliances.
 - o. Pottery.
 - p. Interior decorator.
- (12) Locksmith, except on Harding Avenue.
- (13) Monetary services:
- a. Banks.
 - b. Savings and loan associations.
 - c. Stock and bond brokers.
 - d. Currency exchange.
- (14) Music:
- a. Sale of televisions, radios, phonograph and recording equipment.
 - b. Sheet music and musical instruments.
- (15) Public services:
- a. Telegraph station.
 - b. Telephone exchange.
- (16) Travel agency.
- (17) Coin-operated machines. Coin-operated machines for dispensing goods or services are permitted, except that washing machines, dryers and other laundry-related equipment are prohibited. No coin-operated games of

chance are permitted, but coin-operated games of skill are permitted within establishments solely dispensing liquor, as defined in chapter 6, for consumption on the premises only; provided, however, that not more than three such games of skill are permitted in any such establishment, and that such games shall not be used for wagering nor for the awarding of prizes of any value.

(18) Health studio, health club, or reducing salon.

~~(18)~~ 19. The following uses shall be permitted throughout this district, provided such uses shall be located above the first floor level:

- a. Dance or music instruction studios, provided such studios meet all of the following restrictions and conditions:
 - 1. That the premises be air conditioned and soundproofed.
 - 2. That no dance instruction or dancing shall be visible from any sidewalk, street or alley.
 - 3. That the opening and closing hours for such studios may be established by the town commission at its discretion at any time.
- b. Delivery service.
- c. Driving school offices, provided such use shall be limited to offices only, and shall not be interpreted in any manner as permitting the conduct of any such school's or schools' business, activities or functions upon the public streets of the town.
- d. Employment agencies, provided that such agencies maintain at all times sufficient office space to accommodate all applicants for employment using their services and obviate the congregating or loitering of such applicants in any hallway or on any sidewalk.
- e. ~~Health studio or club, or reducing salon.~~
- fe. Loan or mortgage office.
- gf. Medical or dental clinic.

- hg. Modeling school, language school, or athletic instruction.
 - ih. Private club or lodge hall.
 - ji. Radio or television station or studio.
 - kj. Secretarial service, mailing, bookkeeping, court reporter.
 - lk. Taxi agency.
 - ml. Title company.
- (c) *Permitted accessory uses in the B-1 district.* Any subordinate building or use which is clearly incidental to and customary in connection with the main building or use, provided there shall be no open storage of products and materials, including garbage and debris, on any lot.
 - (d) *Business conduct in the B-1 district.* All of the above uses permitted in the B-1 districts, other than off-street parking and the existing filling station, shall be conducted entirely within a completely enclosed building and for the purposes of this section, the display of merchandise shall be construed to be part of, and incidental to, the conduct of business.
 - (e) *Uses not specifically listed in the B-1 district.* Any use not included in the listing under subsection (b) of this section is prohibited. However, any use not listed above, but having the same general characteristics and of such nature that the same would not lower the standards of the area, may be permitted provided such use is granted a special use exception under the provisions of section 90-94.
 - (f) *Height, area and yard requirements in the B-1 district.* Maximum height regulations and minimum requirements for floor and lot area and for yards are contained in section 90-155.
 - (g) *Awnings, canopies or canopy valances in the B-1 district.* After the effective date of this section, no awnings, canopies or canopy valances shall be erected except those of the following colors: beige, black, blue, brown, green, grey, pink, red, white or yellow. No more than two of the foregoing colors shall be used in any one awning, canopy or canopy valance. No neon, fluorescent, "dayglo" or similar type of colors shall be used. All awnings shall be made of a cloth or plastic fabric.

Awnings or canopies shall not extend more than six feet over the public right-of-way, measured from the adjacent property line, and shall be at least eight feet in height above the pavement. Such awnings or canopies shall be entirely supported from the face of the structure they serve, and shall fully conform to all requirements of the South Florida Building Code.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

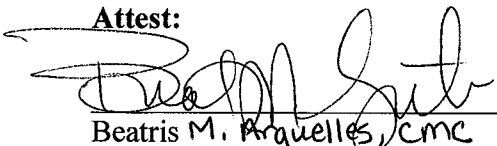
Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the 20th day of May, 2007.

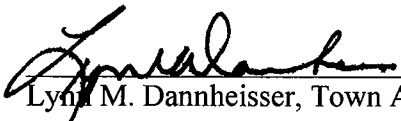
PASSED and ADOPTED on Second Reading this 12th day of June, 2007.

Charles W. Burkett, Mayor

Attest:


Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:


Lynn M. Dannheisser, Town Attorney

Moved by: Commissioner Drubman

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Second by: Commissioner Levine

Vote:

Mayor Burkett	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Weinberg	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Blumstein	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Imberman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Levine	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>